

**From:** [Hohman, Darla](#)  
**To:** [Livingston, Peggy](#)  
**Subject:** RE: Shady Acres Expedited Settlement Agreement  
**Date:** Monday, March 13, 2023 1:51:00 PM

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That's why I got approval from Fran. I should have explained it better. Technically she's in compliance as far as SPCC deficiencies. As part of the integrity testing, she had to get her tanks inspected. During the inspection, the inspector noted that her tanks didn't have emergency vents on them. Emergency vents prevent the tank from over pressurizing in the event of fire or blockage. It's not technically an SPCC deficiency, but we still follow up with them to make sure that they do what the tank inspector recommends. So I will still make sure that she completes this, but Fran and I thought it would be fine to move forward and finalize the ESA.

Darla

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**From:** Livingston, Peggy <[Livingston.Peggy@epa.gov](mailto:Livingston.Peggy@epa.gov)>  
**Sent:** Monday, March 13, 2023 12:55 PM  
**To:** Hohman, Darla <[hohman.darla@epa.gov](mailto:hohman.darla@epa.gov)>  
**Subject:** RE: Shady Acres Expedited Settlement Agreement  
Attorney-Client Privileged

If she's not in compliance I wouldn't want to go forward with the ESA.

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**From:** Hohman, Darla <[hohman.darla@epa.gov](mailto:hohman.darla@epa.gov)>  
**Sent:** Monday, March 13, 2023 12:54 PM  
**To:** Livingston, Peggy <[Livingston.Peggy@epa.gov](mailto:Livingston.Peggy@epa.gov)>  
**Subject:** RE: Shady Acres Expedited Settlement Agreement

It said urgent because she signed it on 12/10, so 90 days, which is supposed to be the max that they are given, was up on 3/10. She is still not in compliance, which the respondent is supposed to be before we file the ESA, but she couldn't get the contractor out to finish the last thing before the 10<sup>th</sup>, so I asked Fran if we could go ahead and file it anyway. Either way, we didn't get it filed on the 10<sup>th</sup>, and we may have to change it anyway since she may have changed her name. I don't why she would have signed the ESA if it wasn't in the correct name, but maybe it was an oversight. I'm still waiting to hear back from her.

Darla

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**From:** Livingston, Peggy <[Livingston.Peggy@epa.gov](mailto:Livingston.Peggy@epa.gov)>  
**Sent:** Monday, March 13, 2023 12:27 PM  
**To:** Hohman, Darla <[hohman.darla@epa.gov](mailto:hohman.darla@epa.gov)>  
**Subject:** RE: Shady Acres Expedited Settlement Agreement

Hi. I had another thought. Why did the cover sheet say urgent?

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**From:** Hohman, Darla <[hohman.darla@epa.gov](mailto:hohman.darla@epa.gov)>  
**Sent:** Monday, March 13, 2023 8:18 AM  
**To:** R8 Hearing Clerk <[R8\\_Hearing\\_Clerk@epa.gov](mailto:R8_Hearing_Clerk@epa.gov)>  
**Cc:** Livingston, Peggy <[Livingston.Peggy@epa.gov](mailto:Livingston.Peggy@epa.gov)>  
**Subject:** RE: Shady Acres Expedited Settlement Agreement

Good Morning,

Diana has never indicated what name to go by. She purchased this facility after we conducted the inspection in 2021, and when I first made contact with her after the purchase, she told me her name was Diana Engleman. I don't know if she has since married or changed her name. She has never told

me. Do we need to verify with her? It could mean potentially having to change the ESA and get new signatures. Also attached is a PDF of the penalty calculation if that is preferable. Thanks.

Darla

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**From:** R8 Hearing Clerk <[R8\\_Hearing\\_Clerk@epa.gov](mailto:R8_Hearing_Clerk@epa.gov)>  
**Sent:** Friday, March 10, 2023 3:24 PM  
**To:** Hohman, Darla <[hohman.darla@epa.gov](mailto:hohman.darla@epa.gov)>; R8 Hearing Clerk <[R8\\_Hearing\\_Clerk@epa.gov](mailto:R8_Hearing_Clerk@epa.gov)>  
**Cc:** Livingston, Peggy <[Livingston.Peggy@epa.gov](mailto:Livingston.Peggy@epa.gov)>  
**Subject:** RE: Shady Acres Expedited Settlement Agreement

Please resubmit the ESA with signature. Also, is it correct that the case will be In the Matter of Dianna Engleman but the respondent is Diana Gingerich?

Kate Tribbett

Paralegal and Regional Hearing Clerk

EPA R8 ORC

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**From:** Hohman, Darla <[hohman.darla@epa.gov](mailto:hohman.darla@epa.gov)>  
**Sent:** Friday, March 10, 2023 2:28 PM  
**To:** R8 Hearing Clerk <[R8\\_Hearing\\_Clerk@epa.gov](mailto:R8_Hearing_Clerk@epa.gov)>  
**Cc:** Livingston, Peggy <[Livingston.Peggy@epa.gov](mailto:Livingston.Peggy@epa.gov)>  
**Subject:** Shady Acres Expedited Settlement Agreement

Dear Ms. Love:

Attached please find an Expedited Settlement Agreement and a cover sheet for an administrative penalty action involving Shady Acres, owned by Diana Gingerich, who also has been known as Diana Engleman.

Would you please assign a docket number and transmit it to the Regional Judicial Officer for issuance of a final order?

Please let me know if you have any questions or comments.

Thank you for your assistance.

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